



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fifth Regular Session

WEDNESDAY, February 20, 2002

The Chief Clerk makes the following entries under the above date:

### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 174** offered by committee on **Tourism and Recreation**.

Assembly amendment 1 to **Assembly Bill 620** offered by Representative Gundrum.

Assembly amendment 1 to **Assembly Bill 675** offered by Representative Gunderson.

Assembly amendment 2 to **Assembly Bill 675** offered by Representative Gunderson.

Assembly amendment 3 to **Assembly Bill 675** offered by Representative Gunderson.

Assembly amendment 4 to **Assembly Bill 675** offered by Representative Gunderson.

Assembly substitute amendment 1 to **Assembly Bill 746** offered by Representative McCormick.

Assembly amendment 1 to **Assembly Bill 758** offered by Representative Gunderson.

Assembly amendment 1 to **Assembly Bill 809** offered by committee on **Children and Families**.

Assembly amendment 1 to **Assembly Bill 826** offered by committee on **Campaigns and Elections**.

Assembly amendment 2 to **Assembly Bill 826** offered by committee on **Campaigns and Elections**.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 01-057**

Relating to cheese grading.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, February 15, 2002.  
To committee on **Agriculture**.  
Referred on February 20, 2002.

#### **Assembly Clearinghouse Rule 01-058**

Relating to pathogen tests on ready-to-eat dairy products.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, February 15, 2002.  
To committee on **Agriculture**.  
Referred on February 20, 2002.

#### **Assembly Clearinghouse Rule 01-108**

Relating to protecting public health by regulating the sources and use of ionizing radiation.  
Submitted by Department of Health and Family Services.  
Report received from Agency, February 11, 2002.  
To committee on **Public Health**.  
Referred on February 20, 2002.

#### **Assembly Clearinghouse Rule 01-120**

Relating to standards for vehicle equipment.  
Submitted by Department of Transportation.  
Report received from Agency, February 14, 2002.  
To committee on **Transportation**.  
Referred on February 20, 2002.

#### **Assembly Clearinghouse Rule 01-142**

Relating to brownfields redevelopment grants.  
Submitted by Department of Commerce.  
Report received from Agency, February 11, 2002.  
To committee on **Environment**.  
Referred on February 20, 2002.

#### **Assembly Clearinghouse Rule 01-147**

Relating to the Wisconsin development zone program.  
Submitted by Department of Commerce.  
Report received from Agency, February 11, 2002.  
To committee on **Economic Development**.  
Referred on February 20, 2002.

#### **Assembly Clearinghouse Rule 02-006**

Relating to stock in bank-owned banks.  
Submitted by Department of Financial Institutions.  
Report received from Agency, February 13, 2002.  
To committee on **Financial Institutions**.  
Referred on February 20, 2002.

#### **Assembly Clearinghouse Rule 02-022**

Relating to stock in bank-owned banks.  
Submitted by Department of Financial Institutions.  
Report received from Agency, February 13, 2002.  
To committee on **Financial Institutions**.  
Referred on February 20, 2002.

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## INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

### Assembly Joint Resolution 96

Relating to: the retirement of Cliff Miller.

By Representatives Kaufert, Wieckert, Krug, Ott, Hundertmark, Meyerhofer, Underheim, Olsen, Albers, Bock, Boyle, Carpenter, Freese, Gard, Gronemus, Gunderson, Jeskewitz, Kestell, Krawczyk, J. Lehman, M. Lehman, Miller, Montgomery, Musser, Pettis, Plouff, Pocan, Powers, Ryba, Townsend, Travis, Turner, Vrakas and Ziegelbauer; cosponsored by Senators Ellis, Welch, Roessler, Cowles, A. Lasee, Burke, Chvala, Darling, Erpenbach, Harsdorf, Huelsman, Panzer, Plache, Rosenzweig and Schultz.

To committee on **Rules**.

### Assembly Bill 831

Relating to: prohibiting an organization or affiliate of an organization that engages in abortion-related activities from receiving certain public funds, prohibiting an organization that receives certain public funds from using other public and private funds for abortion-related activities, specifying restrictions on affiliation between certain organizations, changing the types of information that may be provided by organizations that receive the funds, changing requirements related to the maternal and child health program and family planning services, and requiring audits.

By Representatives Leibham, Kestell, Starzyk, McCormick, Owens, Gundrum, Hundertmark, Krawczyk, Ladwig, Seratti, Meyerhofer, Suder, J. Fitzgerald, Grothman, Ryba, Pettis, Nass, Freese, Kreibich, Ott, Hahn, M. Lehman, Sykora, Gunderson, Walker, Loeffelholz, Gard, Vrakas, Petrowski, Bies and Albers; cosponsored by Senators Breske, Kanavas, Roessler, S. Fitzgerald, Lazich and Welch.

To committee on **Government Operations**.

### Assembly Bill 832

Relating to: construction of electric generating facilities that affect residential wells.

By Representatives Gunderson, Hines, Olsen, Starzyk, Musser, Bies, Miller and McCormick; cosponsored by Senator Lazich.

To committee on **Energy and Utilities**.

### Assembly Bill 833

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

By Representatives Black, Huber, Reynolds, Sinicki, Hebl, Lassa, Miller, La Fave, J. Lehman, Meyerhofer, Carpenter, Kreuser, Ryba, Plouff and Berceau; cosponsored by Senator Risser.

To committee on **Ways and Means**.

### Assembly Bill 834

Relating to: preparation of economic impact statements for bills and proposed administrative rules that would have a direct economic impact on the private sector.

By Representatives Wieckert, Musser, Seratti, Olsen, Owens, Pocan, McCormick, Hines, Huebsch, Albers, Sykora, Stone and Underheim; cosponsored by Senators Kanavas, Huelsman, Darling and Welch.

To committee on **Economic Development**.

### Assembly Bill 835

Relating to: alarm systems for sellers of firearms and providing a penalty.

By Representatives Olsen, Urban, Townsend, Hines, Kaufert and Berceau; cosponsored by Senator M. Meyer, by request of Waushara County Sheriff Pat Fox.

To committee on **Criminal Justice**.

### Assembly Bill 836

Relating to: pipelines within the limits of a highway.

By Representatives Kaufert, Albers, Ainsworth, Bies, Duff, Gunderson, Hahn, M. Lehman, Miller, Musser, Plouff, Sykora and Townsend; cosponsored by Senator Hansen.

To committee on **Environment**.

### Assembly Bill 837

Relating to: prohibiting school boards from imposing residency requirements on teachers.

By Representatives Walker, Gunderson, Albers, Duff, Hines, Huebsch, Jensen, Ladwig, Loeffelholz, M. Lehman, McCormick, Musser, Owens, Starzyk and Townsend; cosponsored by Senators Rosenzweig, S. Fitzgerald, Lazich and Schultz.

To committee on **Education Reform**.

### Assembly Bill 838

Relating to: creating a health services committee and a prioritized list of diagnoses and treatments for purposes of medical assistance coverage.

By Representatives Wasserman, Cullen, Berceau, Gronemus, Jeskewitz, La Fave, J. Lehman, Miller, Seratti, Turner and Williams.

To committee on **Health**.

### Assembly Bill 839

Relating to: prohibiting the dismissal, in a child's best interest, of an action to rebut a presumption of paternity.

By Representatives Wasserman, Gundrum, Ainsworth, Albers, Colon, Gronemus, Grothman, Gunderson, La Fave, Musser, Staskunas and Stone.

To committee on **Judiciary**.

### Assembly Bill 840

Relating to: the supplement to the federal historic rehabilitation tax credit and the state historic rehabilitation tax credit.

By Representatives Schooff, Berceau, Pocan and Shilling; cosponsored by Senators Burke and Schultz.

To committee on **Housing**.

### Assembly Bill 841

Relating to: indexing for inflation the maximum income and maximum property taxes under the homestead tax credit.

By Representatives Schooff, Balow, Black, Bock, Carpenter, Coggs, J. Lehman, Musser, Pocan, Shilling,

Turner and Miller; cosponsored by Senators Burke, Harsdorf and Plache.

To committee on **Ways and Means**.

#### **Assembly Bill 842**

Relating to: legislative redistricting.

By Representative Walker; cosponsored by Senator Welch.

To committee on **Census and Redistricting**.

#### **Assembly Bill 843**

Relating to: campaign financing, the procedure for enforcement of the election laws, nonrefundable income tax credits for certain donations to the Wisconsin election campaign fund, candidate time on public broadcasting television stations and public access channels, official action in return for providing or withholding political contributions, services, or other things of value, providing exemptions from certain emergency rule procedures, granting rule-making authority, and providing penalties.

By Representatives Duff and Freese; cosponsored by Senator Schultz.

To committee on **Campaigns and Elections**.

#### **Assembly Bill 844**

Relating to: restricting the states' authority to bring lawsuits involving contingency fee arrangements.

By Representatives Grothman, Krawczyk, Ladwig, Stone, Ott, Nass, Hahn, Owens and Townsend; cosponsored by Senators Darling, Lazich and Schultz.

To committee on **Judiciary**.

#### **Assembly Bill 845**

Relating to: continuing education for veterinarians and veterinary technicians and granting rule-making authority.

By Representatives Hines, Ott, Bies, Jeskewitz, Plouff, Loeffelholz, Wieckert, Ladwig, Johnsrud, J. Lehman, Gronemus, Krawczyk, Vrakas, Kestell, Hundertmark and Ainsworth; cosponsored by Senators Hansen, M. Meyer, A. Lasee, Darling, Harsdorf, Huelsman, Schultz and Risser, by request of Veterinary Examining Board and Wisconsin Veterinary Medical Association.

To committee on **Agriculture**.

#### **Assembly Bill 846**

Relating to: the standard necessary to request preliminary breath screening tests.

By Representatives Schooff, Ainsworth and Berceau; cosponsored by Senators Burke and Roessler.

To committee on **Highway Safety**.

#### **Assembly Bill 847**

Relating to: notice of new telephone numbers with commercial mobile radio service providers.

By Representatives Schooff, Ryba and Kaufert.

To joint committee on **Information Policy and Technology**.

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## **COMMITTEE REPORTS**

The committee on **Children and Families** reports and recommends:

#### **Assembly Bill 745**

Relating to: liability of a parent or guardian for the cost of an examination ordered to determine the competency to proceed of a juvenile who is alleged to have committed a delinquent act or to determine whether a juvenile is not responsible for a delinquent act by reason of mental disease or defect.

Passage:

Ayes: 5 – Representatives Kestell, Lippert, Bies, Grothman and Jeskewitz.

Noes: 2 – Representatives Miller and Sinicki.

To committee on **Rules**.

#### **Assembly Bill 809**

Relating to: permanency planning for a child placed outside the home, required juvenile court findings when a child is placed outside the home, the expiration date of a juvenile court order placing or continuing the placement of a child outside the home, the requirement that a termination of parental rights petition be filed under certain circumstances, statements by foster parents at juvenile court hearings, and prohibiting a person who has committed an alcohol-related felony within the last 5 years from being licensed to operate a foster home or treatment foster home.

Assembly amendment 1 adoption:

Ayes: 7 – Representatives Kestell, Lippert, Bies, Grothman, Jeskewitz, Miller and Sinicki.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Kestell, Lippert, Bies, Jeskewitz, Miller and Sinicki.

Noes: 1 – Representative Grothman.

To committee on **Rules**.

*STEVE KESTELL*

Chairperson

Committee on Children and Families

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The committee on **Environment** reports and recommends:

#### **Assembly Bill 697**

Relating to: the size of restored, enhanced, or created wetlands that are parts of wetland mitigation projects.

Without recommendation pursuant to § 227.19 (6)(b) of the Wisconsin Statutes.

To committee on **Rules**.

*NEAL KEDZIE*

Chairperson

Committee on Environment

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The committee on **Government Operations** reports and recommends:

**Assembly Bill 829**

Relating to: regulating athlete agents, granting rule-making authority, making an appropriation, and providing penalties.

Passage:

Ayes: 4 – Representatives Wieckert, Loeffelholz, Starzyk and Steinbrink.

Noes: 0.

To committee on **Rules**.

*STEVE WIECKERT*  
Chairperson  
Committee on Government Operations

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The committee on **Health** reports and recommends:

**Assembly Bill 549**

Relating to: a sales tax and use tax exemption for devices used to assist the visually impaired.

Passage:

Ayes: 14 – Representatives Underheim, Urban, Johnsrud, F. Lasee, Lippert, Walker, Wieckert, Wasserman, Carpenter, La Fave, Miller, Schooff, Colon and Shilling.

Noes: 0.

*GREGG UNDERHEIM*  
Chairperson  
Committee on Health

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The committee on **Public Health** reports and recommends:

**Assembly Bill 805**

Relating to: investigations to determine compliance with certain prohibitions against selling or giving cigarettes and tobacco products to minors, requiring retailers to provide training to their employees on compliance with those prohibitions, authorizing counties and municipalities to enact ordinances prohibiting minors from purchasing or possessing cigarettes and tobacco products, requiring certain information to be included on an application for a license to sell, expose for sale, possess with intent to sell, exchange, barter, dispose of, or give cigarettes or tobacco products to a person, and providing an exemption from rule-making procedures.

Passage:

Ayes: 6 – Representatives Urban, Lippert, Freese, McCormick, Hines and J. Lehman.

Noes: 3 – Representatives Carpenter, Wasserman and Schneider.

To committee on **Rules**.

*FRANK URBAN*  
Chairperson  
Committee on Public Health

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The committee on **Tax and Spending Limitations** reports and recommends:

**Assembly Bill 605**

Relating to: repealing the estate tax.

Passage:

Ayes: 5 – Representatives F. Lasee, Leibham, Hundertmark, Musser and Seratti.

Noes: 2 – Representatives Richards and Turner.

To joint committee on **Finance**.

*FRANK LASEE*  
Chairperson  
Committee on Tax and Spending  
Limitations

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The committee on **Tourism and Recreation** reports and recommends:

**Assembly Bill 174**

Relating to: immunity of private campground owners and operators.

Assembly substitute amendment 1 adoption:

Ayes: 9 – Representatives Skindrud, Bies, Seratti, Pettis, Hines, Reynolds, Ryba, Steinbrink and Boyle.

Noes: 0.

Passage as amended:

Ayes: 5 – Representatives Skindrud, Bies, Seratti, Pettis and Hines.

Noes: 4 – Representatives Reynolds, Ryba, Steinbrink and Boyle.

To committee on **Rules**.

*RICK SKINDRUD*  
Chairperson  
Committee on Tourism and Recreation

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The committee on **Ways and Means** reports and recommends:

**Assembly Bill 768**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

Passage:

Ayes: 12 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Owens, Starzyk, Sykora, Wood, Morris–Tatum, Turner and Pocan.

Noes: 0.

To joint survey committee on **Tax Exemptions**.

**Assembly Bill 819**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

Passage:

Ayes: 12 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Owens, Starzyk, Sykora, Wood, Morris–Tatum, Turner and Pocan.

Noes: 0.

To joint survey committee on **Tax Exemptions**.

*MICHAEL LEHMAN*  
Chairperson  
Committee on Ways and Means

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**MESSAGE FROM THE SENATE**

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

**Senate Bill 329**  
**Senate Bill 360**  
**Senate Bill 361**

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**ACTION ON THE SENATE MESSAGE**

**Senate Bill 329**

Relating to: state agency status for physicians and dentists providing specific public health services and removal of a physician from the state immunization program.

By Senators Robson, Moen, Erpenbach, Wirsch, Rosenzweig, Huelsman, Roessler, Schultz and Darling; cosponsored by Representatives Underheim, Urban, Wasserman, Gronemus, Krug, J. Lehman, Musser, Duff, Lippert, Huber, Ladwig, Hubler, Williams, Olsen, Bock, Sykora, Turner, Meyerhofer, Berceau, Miller, Balow, Lassa, Ryba, Plale, Riley, Vrakas and Walker.

To committee on **Public Health**.

**Senate Bill 360**

Relating to: investigations to determine compliance with certain prohibitions against selling or giving cigarettes and tobacco products to minors and requiring certain information to be included on an application for a license to sell, expose for sale, possess with intent to sell, exchange, barter, dispose of, or give cigarettes or tobacco products to a person.

By Senators Robson, Roessler, Risser and Plache; cosponsored by Representatives Lippert, Urban, Bock, La Fave, J. Lehman, Turner, Ott, Miller, Morris–Tatum, Staskunas and Berceau.

To committee on **Public Health**.

**Senate Bill 361**

Relating to: the size of restored, enhanced, or created wetlands that are parts of wetland mitigation projects.

By joint committee for review of Administrative Rules.

To committee on **Environment**.

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**SPEAKER'S COMMUNICATIONS**

February 19, 2002

John A. Scocos  
Assembly Chief Clerk  
1 East Main Street, Suite 402  
P.O. Box 8952  
Madison, Wisconsin 53708

Dear Mr. Scocos:

On February 12, 2002, **Assembly Bill 793** relating to the sale or distribution of mercury thermometers and providing a penalty, was referred to the Assembly Committee on Natural Resources. Pursuant to Assembly Rule 42 (3)(c), I hereby withdraw **Assembly Bill 793** from the Assembly Committee on Natural Resources and re-refer that bill to the Assembly Committee on Environment.

Representative Johnsrud has been notified of this re-referral and approves.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

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**REFERENCE BUREAU CORRECTIONS**

**Assembly Bill 801**

1. Page 73, line 19: delete “(bb)” and substitute “(b) and (bb)”.

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**Assembly Bill 826**

1. Page 9, line 21: “**Compensation of election officials and trainees.**”.

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**COMMUNICATIONS**

State of Wisconsin  
Joint Legislative Council  
Madison

February 14, 2002

Mr. John Scocos  
Assembly Chief Clerk  
1 East Main Street, Suite 402  
Madison, WI 53703

Dear John:

I am pleased to transmit to you the following report to the 2001 Legislature on legislation introduced by the Joint Legislative Council:

RL 2001-16 Legislation on Developmental  
Disabilities  
(2001 Senate Bill 346 and 2001  
Assembly Bill 671)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available in the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at [www.legis.state.wi.us/lc/reports\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,  
*TERRY C. ANDERSON*  
Director

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Medical College of Wisconsin  
Milwaukee

February 14, 2002

To the Honorable, the Assembly:

Enclosed is the biennial report of the Medical College of Wisconsin, prepared according to the statutory requirement under section 13.106. This report covers the period ending June 30, 2001, and contains information in the following areas:

- \* Minority student recruitment policies and programs.
- \* Number of minority students enrolled.
- \* Number and percentages of Wisconsin residents enrolled.
- \* Average faculty salaries compared to national averages.
- \* Development of cooperative educational programs with other institutions throughout the state.
- \* Placement of graduates of doctor of medicine and residency training programs.

Please feel free to contact me at (414) 456-8217 if you have any questions or would like additional information.

Sincerely,  
*DONNA K. GISSEN*  
Assistant Vice President, Planning and  
Government Affairs

Referred to committee on **Colleges and Universities**.

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State of Wisconsin  
Department of Administration  
Madison

February 20, 2002

To the Honorable, the Legislature:

This report is transmitted as required by sec. 20.002(11)(f), Wis. Stats. (for distribution to the appropriate standing

committees under sec. 13.172(3), Wis. Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of January 2002.

On January 1, 2002 the **Agricultural Producer Security Fund** balance was -\$122 thousand. This shortfall continued until January 4, 2002 when the balance reached a positive \$172 thousand. The shortfall was due to the initial start-up of the fund and a delay in the transfer of revenues into the fund.

The Agricultural Producer Security Fund shortfall was not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,  
*GEORGE LIGHTBOURN*  
Secretary

Referred to committee on **Ways and Means**.

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## AGENCY REPORTS

State of Wisconsin  
Investment Board  
Madison

February 14, 2002

To the Honorable, the Assembly:

I have enclosed a copy of the FY 2001 Annual Fiscal Report for the State of Wisconsin Investment Board. The report contains Independent Auditor's Reports, prepared by the Legislative Fiscal Bureau, for the funds that we manage. They include the Fixed Fund and Variable Fund of the Wisconsin Retirement System, the State Investment Fund and the various smaller funds.

Additional copies of the report are available by contacting our office or by going to our website, which is [www.swib.state.wi.us](http://www.swib.state.wi.us). More recent calendar year returns are also available on the website. Thank you.

Sincerely,  
*PATRICIA LIPTON*  
Executive Director